



**Town of Arlington, Massachusetts**  
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## **Redevelopment Board Minutes 03-04-2002**

Minutes of March 4, 2002

Members Present: Roland Chaput  
Nora Mann  
John FitzMaurice  
Barry Faulkner  
Ed Tsoi

In addition: Alan McClennen, Jr., Secretary ex officio  
Kevin O'Brien, Asst. Dir. of Planning & Comm. Dev.  
Joey Glushko, Planner

8:00 p.m. Mr. Chaput opened the public hearing on the proposed amendments to the Zoning Bylaw submitted for consideration by the Annual Town Meeting. Mr. Chaput explained the procedure for the evening and requested those present to indicate who was interested in which article. Following a review of the interests of those assembled, Mr. Chaput set the order of review.

### **Warrant Article 16 Construction Flooding Corrections**

Mr. John Belkis of 196 Wollaston Avenue, a proponent and a member of Friends of Poets Corner, described the objectives of the article. He was followed by Mr. Charles Gallagher, who indicated that they were concerned that more and more marsh land was being developed, specifically referring to the Dow Avenue site belonging to the Archdiocese of Boston. Mr. Jon Gersh of 24 Kipling Road indicated that he had concerns about development and flooding in his basement. Mr. Joe Santore of 8 Browning Road indicated that he had resided in the area for 48 years and was well versed in the problems of flooding in the neighborhood. Mr. Brian Taranto requested the Board to please consider the proposed amendment.

Mr. Chaput opened the hearing to questions from members of the Board. Nora Mann wanted to know why the petitioners selected a distance of 200 yards. Mr. Gallagher and Mr. Belkas indicated that they felt it was an appropriate distance in an area that may be subject to flooding.

Mr. Faulkner asked why they used a distance instead the floodplain. Mr. Belkas indicated that in their neighborhood there was no floodplain.

Mr. Faulkner also wondered how the process would work, namely, the Town would hold a bond from a developer to ensure that people can be compensated. However, the Redevelopment Board acting for the Town doesn't have any authority to make any judgments.

Mr. Belkis cited the hotel in East Arlington as an example. Ms. Mann noted that in that instance, the hotel was adjacent to a floodplain and there were specific procedures that the developer had to follow to prove to the Town that he would not adversely impact existing flooding conditions. Reviews were conducted by the Zoning Board, the Conservation Commission, and the Redevelopment Board.

Mr. FitzMaurice questioned whether or not 200 yards from an existing stream or wetland actually focused on the problem.

Mr. McClennen also tried to understand how the developers had selected the methods of review, for example, ten dwelling units in a commercial structure 200 yards, etc. He also wondered how one could evaluate the impacts if there

was no evidence as to the level of flooding if any existed prior to development.

There was then an extensive discussion between Ms. Mann and Mr. Faulkner concerning the issue of a performance bond. Mr. Chaput asked if there were any other communities that they were aware of that had tried this. Mr. Belkas indicated that he talked to some bonding firms who thought it to be quite unique. Mr. Tulimieri, Chairman of the Zoning Board of Appeals, wondered if this proposal was actually a modification to the building code. Diane Mahon, a Selectman from Arlington, felt that the issue could be quantified by the history of pumping cellars, etc.

There being no further testimony, the Chairman indicated that the Board would take the information under advisement.

Article 15 Mr. Chaput requested if anyone wanted to comment on Article 15. No one spoke on the article.

Article 14 Mr. Freeland Abbott briefed the Board on the purpose of Article 14, which is to provide protection of historic places, particularly to protect the historic places from action by abutters within 200 feet.

Mr. Philip McCarthy, 156 Crosby Street, a Town Meeting member, testified that he understood the intent of the amendment, and he also spoke about Articles 10 and 11, articles proposing to amend the Town Bylaws. He felt that the property rights of people would be adversely affected if this provision were implemented. He also was concerned that this was a form of zoning district amendment, and no notification had been given under the requirements of the Zoning Bylaws.

Mr. John Worden, III, 27 Jason Street, a Town Meeting member, testified and indicated that in his opinion there was no change to the zoning of any property, rather it was an attempt to superimpose controls on alterations to adjacent structures.

Barry Faulkner referred to Section 3 of Chapter 40A and indicated that he thought this was an attempt to create a boundary outside of the provisions of Chapter 40A.

Mr. McCarthy stated again that he felt adequate notice had not been given to property owners whose rights are proposed to be changed under this proposal.

Mr. FitzMaurice indicated that he had seen a memo from John Maher to the Board indicating that he felt there were serious problems with Articles 10 and 11.

Mr. Worden said that he had received Mr. Mahers memo on Friday and had not studied it fully. In his opinion, if it is zoning, it requires a two-thirds vote; if it is not, it will require a majority vote. Mr. Worden did say that what Mr. Maher had included in his memo was technically true.

Mr. Chaput closed the hearing on Article 14.

Article 13 There were no comments from the proponents.

Mr. Faulkner asked how you would measure a half-story in a commercial building.

Mr. FitzMaurice wondered if the Zoning Bylaw Review Committee had any specific reasons for this proposal. Mr. Abbott indicated that they were concerned about what might happen in the B2A District adjacent to St. Athanasius Church.

Mr. Chaput closed the hearing on Article 13.

Article 12 Mr. Abbott stated that the Zoning Bylaw Review Committee was concerned with this issue because of a case from the Zoning Board of Appeals. Mr. Joseph Tulimieri, Chairman of the Zoning Board of Appeals, indicated that they had serious concerns with this proposed amendment.

Mr. Chaput closed the hearing on Article 12.

Article 9 Definition of Duplex There was no testimony.

Mr. Chaput closed the hearing on Article 9.

Article 7 Bicycle Parking Members of the Bicycle Advisory Committee testified in support of this article.

Mr. Chaput closed the hearing on Article 7.

Article 6 There was no testimony.

Mr. Chaput closed the hearing on Article 6.

Article 5 - There was no testimony.

Mr. Chaput closed the hearing on Article 5.

Article 4 There was no testimony.

Mr. Chaput closed the hearing on Article 4.

9:45 p.m. The Board approved the proposed modifications to the façade of the Leader Bank at Massachusetts Avenue and determined that it was not subject to Environmental Design Review.

10:00 p.m. - Mr. McClennen, Ms. Mann, Stephen Andrew, and David Walkinshaw reviewed the status of the work of the Symmes Advisory Committee and the RFP.

11:00 p.m. Review of proposals for supervision at Reeds Brook. The Board reviewed the proposals collected by the staff and on a motion by Mr. FitzMaurice, seconded by Ms. Mann, it was voted to hire Metcalf & Eddy, in accordance with their proposal; unanimous vote in favor.

11:30 p.m. Adjournment. Moved by Mr. FitzMaurice, seconded by Ms. Mann, to adjourn; unanimous vote in favor.  
Respectfully submitted,

Alan McClennen, Jr.